

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

REALTIME DATA, LLC D/B/A IXO,

§

Plaintiff,

§

v.

CIVIL ACTION No. 6:08cv144

PACKETEER, INC., et al.,

§

Defendants.

§

ORDER

Before the Court is Plaintiff Realtime Data, LLC d/b/a IXO’s Motion for Leave to File Amended Infringement Contentions (“Motion”) (Doc. No. 322). Defendants F5 Networks (“F5”) and Averitt Express, Inc. (“Averitt”) have filed an Opposition to Plaintiff’s Motion for Leave to File Amended Infringement Contentions (“F5 Response”) (Doc. No. 342). Defendants have filed separate responses. Defendants F5 Networks, Inc., Averitt Express, Inc., and Intervener Comtech AHA, Corporation have filed an Opposition to Plaintiff’s Motion for Leave to file Amended Infringement Contentions (Doc. No. 357). Defendants Blue Coat Systems, Inc., Packeteer, Inc., 7-Eleven, Inc., ABM-Industries, Inc., ABM Janitorial Services–South Central, Inc., and Build-A-Bear Workshop, Inc. have filed an Opposition to Plaintiff’s Motion for Leave to File Amended Infringement Contentions (Doc. No. 360). Defendant Citrix Systems, Inc. has filed an Opposition to Realtime’s Motion for Leave to File Amended Infringement Contentions (Doc. No. 367). Plaintiff has filed a Reply in Support of its Motion for Leave to File Amended Infringement Contentions (Doc. No. 382). The Court held a hearing on the Motion on Monday, June 29, 2009. Having considered the parties’ arguments, the Court hereby **DENIES** Plaintiff’s Motion. A memorandum opinion and order will follow shortly.

Plaintiff is **ORDERED** to serve final infringement contentions by **Wednesday, July 8, 2009**, withdrawing all new material contained in Plaintiff's proposed amended infringement contentions.¹ Finally, the Court previously granted Citrix's Motion Under LR CV 7(m) to Toll Time for Defendants to Respond to Realtime's Expert Reports (Doc. No. 380). Having ruled on Plaintiff's Motion herein, both parties are **ORDERED** to serve rebuttal expert reports by **Monday, July 20, 2009**.

So ORDERED and SIGNED this 1st day of July, 2009.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE

¹The Court notes that the parties have a deadline of Monday, July 20, 2009, to submit an agreement or competing proposals regarding how to narrow this case to effectively prepare for trial and dispositive motions. The final infringement contentions due by Wednesday, July 8, 2009, should include all asserted claims against all Defendants that remain in this litigation at that point. The Court expects a significantly reduced subset of these claims to be set forth for dispositive motions and trial on July 20, 2009.